

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OLLEN G. COLBERT, Jr.
3475 Vine St.
Cincinnati, Ohio 45220

Plaintiff,

VS.

CINCINNATI GAS AND ELECTRIC CO.
139 E. Fourth St.
Cincinnati, Ohio 45202

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1347**
4100 Colerain Avenue
Cincinnati, Ohio 45223-2590

Defendants.

) Case No.: C-1-00-909

) Judge Susan Dlott
) Magistrate Judge Timothy J. Hogan

**PLAINTIFF'S MOTION FOR
EXTENSION OF TIME**

Comes now Plaintiff, Ollen G. Colbert, Jr., by and through counsel, to respectfully move the Court to grant Plaintiff an extension of time to obtain discovery and to take the deposition of Donald Bricking, former supervisor of Plaintiff. As more specifically developed in the memorandum below, said Deposition was not taken today because of a misunderstanding between counsel as to the availability of the deponent.

Counsel for the defendants, namely Ariane S. Johnson, for Cinergy and Jerry Spicer, for International Brotherhood of Electrical Workers, Local 1347, have been notified in person and by telephone of my request.

Respectfully submitted,

STATE OF OHIO)
)SS:
COUNTY OF HAMILTON)

6. It was 12:20 p.m., November 11, 2004, that I realized that Ms. Johnson intended to make Mr. Bricking available to me this afternoon.

7. I had not made arrangements to obtain a Court Reporter and Defendant's Court Reporter could not stay, nor had I brought any Exhibits to be used at the deposition.

8. Plaintiff has cooperated fully in supplying discovery to Defendant and being available for Defendant's to take his depositions on February 10, 2003, March 10, 2003, and November 11, 2004.

9. Based on his cooperation, Plaintiff assumed that Defendants would agree to allow Plaintiff to take the deposition of their supervisor and hence would, by agreement, give the Defendant a date after today's deposition of Plaintiff was completed.

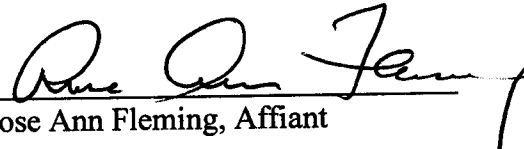
9. I was unable to secure the agreement of the Counsel there present to reschedule a deposition of Mr. Donald Bricking.

10. In the interest of justice for the Plaintiff, I am asking the Court to extend the deadline for discovery in this matter from November 15, to December 14, 2004 provided Counsel for the Defendants are available to meet for Mr. Bricking's deposition during that time.

10. I have called both of their offices to let them know of this Motion to Extend Time.

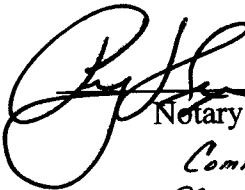
11. I do not ask for this extension to delay this trial.

AFFIANT FURTHER SAYETH NAUGHT.


Rose Ann Fleming, Affiant

Sworn to and subscribed in my presence, this 11th day of November, 2004.

My commission expires: N/A.


Notary Public
Commission Exp 7/31/05
Mr. Ryan Hermes, Notary Public
STATE OF OHIO

CERTIFICATE OF SERVICE

HEREBY CERTIFY that the Plaintiff's Motion to Extend Time was electronically filed using the Case Management/Electronic Case Filing (CM/ECF) system with the Office of the Clerk of Courts, United States Federal District Court for the Southern District of Ohio, Western Division, Potter Stewart U.S. Courthouse, 100 E. Fifth Street, Cincinnati, Ohio 45202 on the 11th day of November, 2004. Such filing will send notification of such filing to the following Counsel for Defendants:

Ariane S. Johnson, Esq.
Cinergy
Cincinnati Gas and Electric Company
1000 East Main Street
Plainville, IN. 46168

Jerry L. Spicer
International Brotherhood of Electrical Workers. Local 1347
Snyder Rakay Spicer
11 W. Monument Street, Suite 307
Dayton, OH 45402

Plaintiff also delivered, via Certified Mail, Return Receipt Requested, a copy of this above referenced document to the above named counsel for Defendants on this 11th day of November, 2004.

Respectfully submitted,

s/Rose Ann Fleming
Rose Ann Fleming
Bar Id. #0041337
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